



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|  |             |                      |                         |                  |
|--|-------------|----------------------|-------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
| 10/822,454   | 04/12/2004  | Erez Haba            | MSFTP641US              | 2824             |
| 27195 7590 12/10/2008<br>AMIN, TUROCY & CALVIN, LLP<br>127 Public Square<br>57th Floor, Key Tower<br>CLEVELAND, OH 44114 |             |                      | EXAMINER<br>WANG, BEN C |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 2192                    |                  |
|  |             |                      | NOTIFICATION DATE       | DELIVERY MODE    |
|  |             |                      | 12/10/2008              | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com  
hholmes@thepatentattorneys.com  
lpasterchek@thepatentattorneys.com

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/822,454 | <b>Applicant(s)</b><br>HABA ET AL. |  |
|                              | <b>Examiner</b><br>BEN C. WANG       | <b>Art Unit</b><br>2192            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11, 12, 14, 17, 18, 20, 22, 23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-12, 14, 17-18, 20, 22-23, and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment dated September 2, 2008, responding to the Office action mailed June 2, 2008 provided in the rejection of claims 1-5, 7-12, and 14-27, wherein claims 1, 11, 14, 17, and 23 have been amended, and claims 7-10, 15-16, 19, 21, and 24 have been canceled.

The status of currently pending claims is inadvertently listed as claims 1-27; however it should be corrected as claims 1-5, 7-12, and 14-27 instead.

Claims 1-5, 11-12, 14, 17-18, 20, 22-23, and 25-27 remain pending in the application and which have been fully considered by the examiner.

Applicant's arguments with respect to claims rejection have been fully considered but are moot in view of the new grounds of rejection – see Blackwell and Mandav-2 - arts previously applied, as applied hereto.

### ***Claim Rejections – 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5, 11-12, and 14 are rejected under 35 U.S.C 101 because the claims are directed to non-statutory subject matter.

Art Unit: 2192

3. **As to claim 1**, “An application test management system comprising ... a version component ... a test case file component ... a build drop component ...” is being cited (underline emphasis added); however, it appears that the version component, the test case file component, and the build drop component (e.g., recited on page 6, lines 6-18 and page 8, lines 28-30 respectively in the specification) would reasonably be interpreted by one of ordinary skill in the art as computer listings per se, are not physical “things”. They are neither computer components nor statutory processes, as they are not “act” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized.

In contrast, a claimed computer readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions. (See MPEP 2106.01(I))

4. **As to claims 2-5 and 11-12**, they do not cure the deficiency of base claim 1, and also are rejected under 35 U.S.C. 101 as set forth above.

5. **As to claim 14**, “A test management system comprising ... a means for maintaining fine-grained track ... a means for querying test data ... a means for continuously modifying test data ...; and a means for generating test result ...” is being cited (underline emphasis added); however, it appears that the means for maintaining fine-grained track, the means for querying test data, the means for continuously modifying test data and the means for generating test result (e.g., recited on page 6, lines 6-18 and page 8, lines 28-30 respectively in the specification) would reasonably be interpreted by one of ordinary skill in the art as computer listings per se, are not physical “things”. They are neither computer components nor statutory processes, as they are not “act” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized.

In contrast, a claimed computer readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions. (See MPEP 2106.01(I))

***Claim Rejections – 35 USC § 103(a)***

Art Unit: 2192

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 9, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell (Pub. No. US 2005/0166094 A1) (hereinafter 'Blackwell' - art previously applied) in view of Mandava (Pat. No. US 7,203,928 B2) (hereinafter 'Mandava-2' - art previously applied)

7. **As to claim 1** (Currently Amended), Blackwell discloses an application test management system comprising:

- a version component that monitors source under test components and test components for changes (e.g., [0025] – Configuration management(CM) tools are known to prepare systems for automated testing, such as managing documents and data associated with the testing ... CM tools can preserve the integrity of the scripted procedures, track versions of software, and allow scripts to be reused and tracked ... A checkin/checkout development model is included, with versioning of directories, subdirectories and all file system objects with a versioned object database ...);
- a build drop component that comprises an executable version of the software under test and includes changed data from the version component (e.g., [0025] –

... CM tools can preserve the integrity of the scripted procedures, track versions of software, and allow scripts to be reused and tracked ... rollback to any previous build or baseline configurations to identify which versions ...);

- a test case file component that includes metadata associated with test components and source under test components received from the version component that indicates relationships between versions of source under test components and versions of test cases, the test case file component includes attributes necessary for query and test management (e.g., [0017] - ... allows the complex **interrelationships between software modules and test cases to be identified automatically** ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...);
- a test catalog that provides a repository for a collection of test case files, test cases, and test variations, and namespace metadata, the test catalog is constructed from aggregation of individual test case files which relate to each other in a hierarchical fashion (e.g., [0142] – Tests cases can be organized using Test Case Catalog ... test case name or a test case descriptor ... other fields pertaining to the test case; [0144] – Information regarding test cases may be entered in a Test Case Catalog Maintenance Form ... The Test Case Maintenance Form provides a means to receive and display information about any single test case ...; [0145] - [0149]); and

- wherein the test case file component generates test results that are tagged with the versions of the source under test components and saved to a data store for historical analysis, the test results and version component are all version tagged data and dependent on the versions of the software under test (e.g., Fig. 13, element of 374 – Administrative – Test Results; Verification Report; [0240 - ... Test results are generated and compared against know-good values ... Results are, automatically compared and verified against know good results ...]);

Further, Blackwell discloses a tool to assist software testing that can take advantage of the data in a Traceability Matrix to provide automated roadmaps of relationships between affected test cases in order to more efficiently select test cases needed for proper testing following a change in one or more software modules or other system components (e.g., [0017]), but does not explicitly disclose other limitations stated below.

However, in an analogous art of *Method and System for Generating and Maintaining Uniform Test Result*, Mandava-2 discloses the followings:

- a test case file component is continuously modified such that new features are added and/or removed to test changes in the source under test components, source under test components represent specific versions of source code (e.g., Col. 3, Lines 17-31 - ... Source code for each of the plurality of test cases includes a plurality of embedded reporter code ...; Col. 8, Lines 1-16 – ... the embedded reporter codes are defined after a method call or any point in the application ...; Lines 52-67 - ... defines a plurality of embedded reporter codes in the source code of the test suite ... the embedded reporter codes are application



program interfaces (APIs) ...; NOTE: there is a binding between test cases and their associated source code);

- wherein the test case file component is located in the source file under test and is loaded into the test catalog (e.g., Col. 22, Lines 18-30 - ... source code for each of the plurality of test cases including a plurality of embedded reporter codes ... the plurality of test cases of the test suite are implemented to test a software application); and
- wherein the test case file component is an XML document and is loaded into memory or treated as a database and wherein XSLT is employed to facilitate management operations including at least one of query, reporting, suite composition and scheduling (e.g., Fig. 1, elements 110 – Static XML File; 118 – Dynamic XML Results File; 120 – XSLT Interface; Col. 8, Lines 17-25 - ... the uniform results are generated ... stored to a dynamic XML file ... The uniform results in the dynamic XML can be viewed by a user using a, Extensible Stylesheet Language (XSLT) Stylesheet interface; Lines 33-51 - ... while developing the source code for the test suite, the test suite developer also create a companion static XML file ... The static XML file is written in accordance with a selected document type definition (“DTD”) and is configured to provide an XML DTD for defining the static XML file ...)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Mandava-2 into the Blackwell’s system to further provide other limitations stated above in the Blackwell system.

The motivation is that it would further enhance the Blackwell's system by taking, advancing and/or incorporating Mandava-2 system which offers significant advantages that provide consistent and uniform test results; and the generated results are substantially accurate as once suggested by Mandava-2 (e.g., Col. 20, Lines 40-60)

8. **As to claim 2** (original) (incorporating the rejection in claim 1), Blackwell discloses the system wherein the test case file component includes a pointer to the source under test (e.g., [0017] - ... allows the complex interrelationships between software modules and test cases to be identified automatically ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...)

9. **As to claim 3** (original) (incorporating the rejection in claim 1), Blackwell discloses the system wherein the test case file component includes a pointer to requirement for test data (e.g., [0232], Lines 11-13 - .... test cases containing test data describing the target test at a functional or behavioral level)

10. **As to claim 4** (original) (incorporating the rejection in claim 1), Blackwell discloses the system wherein the test case file component includes a pointer to requirement and/or configuration under test data (e.g., [0232], Lines 11-13 - .... test cases containing test data describing the target test at a functional or behavioral level;

Art Unit: 2192

[0245] - ... for storing configuration-specific collaboration descriptions of a runtime system landscape ...)

11. **As to claim 5** (original) (incorporating the rejection in claim 1), Blackwell discloses the system wherein the test case file component includes a pointer to a test case component (e.g., [0077] - ... A script is typically associated with each test case ... be accessible from a link or other means from the Test Case Catalog Maintenance Form)

12. **As to claim 11** (Currently Amended) (incorporating the rejection in claim 1), Blackwell discloses the system wherein the test case component specified in the test case file component is loaded into the test catalog (e.g., [0142] – Tests cases can be organized using a Test Case Catalog ...)

13. **As to claim 12** (original) (incorporating the rejection in claim 11), Mandava-2 discloses the system wherein a test execution component executes the test case on the software under test and generates test results (e.g., Fig. 1, element 102 – target application; Col. 7, Lines 51-53 – a plurality of applications 104a – 104n for execution by a target application; Fig. 1, element 114 – dynamic XML file)

14. **As to claim 14** (Currently Amended), Blackwell discloses a test management system comprising:

- a means for maintaining fine-grained track of a test's relation to a version of software under test (e.g., [0025] – Configuration management(CM) tools are known to prepare systems for automated testing, such as managing documents and data associated with the testing ... CM tools can preserve the integrity of the scripted procedures, track versions of software, and allow scripts to be reused and tracked ...; [0017] - ... allows the complex interrelationships between software modules and test cases to be identified automatically ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...); and
- a means for generating test results that are tagged with test version data in relation to the version of software under test, the test results and test version data are all version tagged data and dependent on the versions of the software under test (e.g., Fig. 13, element of 374 – Administrative – Test Results; Verification Report; [0240 - ... Test results are generated and compared against know-good values ... Results are, automatically compared and verified against know good results ...)

Further, Blackwell discloses a tool to assist software testing that can take advantage of the data in a Traceability Matrix to provide automated roadmaps of relationships between affected test cases in order to more efficiently select test cases needed for proper testing following a change in one or more software modules or other system components (e.g., [0017]), but does not explicitly disclose other limitations stated below.

However, in an analogous art of *Method and System for Generating and Maintaining Uniform Test Result*, Mandava-2 discloses the followings:

- a means for continuously modifying test data such that new features are added and/or removed to test version changes to the software under test (e.g., Col. 3, Lines 17-31 - ... Source code for each of the plurality of test cases includes a plurality of embedded reporter code ...; Col. 8, Lines 1-16 – ... the embedded reporter codes are defined after a method call or any point in the application ...; Lines 52-67 - ... defines a plurality of embedded reporter codes in the source code of the test suite ... the embedded reporter codes are application program interfaces (APIs) ...; NOTE: there is a binding between test cases and their associated source code); and
- a means for querying test data to facilitate generation of test management reports wherein the means for maintaining fine-grained track of a test's relation to a version of software under test includes persisting software version information and related test information to an XML file, and wherein the XML file is transformed utilizing XSLT to enable test data to be queried (e.g., Fig. 1, elements 110 – Static XML File; 118 – Dynamic XML Results File; 120 – XSLT Interface; Col. 8, Lines 17-25 - ... the uniform results are generated ... stored to a dynamic XML file ... The uniform results in the dynamic XML can be viewed by a user using a, Extensible Stylesheet Language (XSLT) Stylesheet interface; Lines 33-51 - ... while developing the source code for the test suite, the test suite developer also create a

companion static XML file ... The static XML file is written in accordance with a selected document type definition ("DTD") and is configured to provide an XML DTD for defining the static XML file ...)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Mandava-2 into the Blackwell's system to further provide other limitations stated above in the Blackwell system.

The motivation is that it would further enhance the Blackwell's system by taking, advancing and/or incorporating Mandava-2 system which offers significant advantages that provide consistent and uniform test results; and the generated results are substantially accurate as once suggested by Mandava-2 (e.g., Col. 20, Lines 40-60)

15. **As to claim 17** (Currently Amended), Blackwell discloses a test management methodology comprising:

- retrieving metadata regarding test version information in relation to software code version under test (e.g., ., [0017] - ... allows the complex interrelationships between software modules and test cases to be identified automatically ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...)
- persisting the metadata to a markup language file versioned with test assets and source code (e.g., [0294]; Table 1; [0297]; Table 3); and

- generating test results that are tagged with test version information in relation to software code version under test, the test results and test version information are all version tagged data and dependent on the versions of the software code under test (e.g., Fig. 13, element of 374 – Administrative – Test Results; Verification Report; [0240 - ... Test results are generated and compared against know-good values ... Results are, automatically compared and verified against know good results ...]);

Further, Blackwell discloses a tool to assist software testing that can take advantage of the data in a Traceability Matrix to provide automated roadmaps of relationships between affected test cases in order to more efficiently select test cases needed for proper testing following a change in one or more software modules or other system components (e.g., [0017]), but does not explicitly disclose other limitations stated below.

However, in an analogous art of *Method and System for Generating and Maintaining Uniform Test Result*, Mandava-2 discloses the followings:

- continuously modifying test information such that new features are added and/or removed to test version changes to the software code under test, wherein the file is an XML file (e.g., Col. 3, Lines 17-31 - ... Source code for each of the plurality of test cases includes a plurality of embedded reporter code ...; Col. 8, Lines 1-16 – ... the embedded reporter codes are defined after a method call or any point in the application ...; Lines 52-67 - ... defines a plurality of embedded reporter codes in the source code of the test suite ... the embedded reporter codes are

Art Unit: 2192

application program interfaces (APIs) ...; NOTE: there is a binding between test cases and their associated source code); and

- transforming the XML file utilizing XSLT to enable management operations to be performed on the data including at least one of selection, query, reporting, suit composition, and scheduling (e.g., Fig. 1, elements 110 – Static XML File; 118 – Dynamic XML Results File; 120 – XSLT Interface; Col. 8, Lines 17-25 - ... the uniform results are generated ... stored to a dynamic XML file ... The uniform results in the dynamic XML can be viewed by a user using a, Extensible Stylesheet Language (XSLT) Stylesheet interface; Lines 33-51 - ... while developing the source code for the test suite, the test suite developer also create a companion static XML file ... The static XML file is written in accordance with a selected document type definition (“DTD”) and is configured to provide an XML DTD for defining the static XML file ...)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Mandava-2 into the Blackwell’s system to further provide other limitations stated above in the Blackwell system.

The motivation is that it would further enhance the Blackwell’s system by taking, advancing and/or incorporating Mandava-2 system which offers significant advantages that provide consistent and uniform test results; and the generated results are substantially accurate as once suggested by Mandava-2 (e.g., Col. 20, Lines 40-60)



Art Unit: 2192

16. **As to claim 18** (Previously Amended) (incorporating the rejection in claim 17), Murakami discloses the method wherein version information is retrieved from a version component that monitors changes to source code versions and test versions (e.g., [0017] - ... allows the complex interrelationships between software modules and test cases to be identified automatically ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...; [0025] – Configuration management(CM) tools are known to prepare systems for automated testing, such as managing documents and data associated with the testing ... CM tools can preserve the integrity of the scripted procedures, track versions of software, and allow scripts to be reused and tracked ... A checkin/checkout development model is included, with versioning of directories, subdirectories and all file system objects with a versioned object database ...)

17. **As to claim 20** (Currently Amended) (incorporating the rejection in claim 17), Murakami discloses the method wherein the file comprises a pointer to at least one of a source under test (e.g.), and Mandava-2 discloses requirement under test, and configuration under test (e.g., Col. 4, Lines 45-47 - ... including a respective description entry explaining the function of each test case or test)

18. **As to claim 22** (original) (incorporating the rejection in claim 17), please refer to claim **17** as set forth above accordingly.

19. **As to claim 23** (Currently Amended), Blackwell discloses a testing methodology comprising:

- loading a test case in accordance with a test ease file stored in a source file (e.g., Fig. 12, element 336 - Select Cases for Testing);
- executing the test case on a source under test (e.g., Fig. 12, element 340 – Run Test Case Scripts);
- generating test results, wherein the test results are version tagged to indicate the relationships between test results, version of the test case, and version of the source code under test (e.g., Fig. 13, element of 374 – Administrative – Test Results; Verification Report; [0240 - ... Test results are generated and compared against know-good values ... Results are, automatically compared and verified against know good results ...]);
- providing a repository for a collection of test case files, test cases, test variations, and namespace metadata, wherein the repository is constructed from aggregation of individual test case files which relate to each other in a hierarchical fashion (e.g., [0142] – Tests cases can be organized using Test Case Catalog ... test case name or a test case descriptor ... other fields pertaining to the test case; [0144] – Information regarding test cases may be entered in a Test Case Catalog Maintenance Form ... The Test Case Maintenance Form provides a means to receive and display information about any single test case ...; [0145] - [0149]); and

- generating test results, wherein the test results are version tagged to indicate the relationships between test results, version of the test case, and version of the source code under test (e.g., Fig. 13, element of 374 – Administrative – Test Results; Verification Report; [0240 - ... Test results are generated and compared against know-good values ... Results are, automatically compared and verified against know good results ...]);

Further, Blackwell discloses a tool to assist software testing that can take advantage of the data in a Traceability Matrix to provide automated roadmaps of relationships between affected test cases in order to more efficiently select test cases needed for proper testing following a change in one or more software modules or other system components (e.g., [0017]), but does not explicitly disclose other limitations stated below. However, in an analogous art of *Method and System for Generating and Maintaining Uniform Test Result*, Mandava-2 discloses the followings:

- continuously modifying test information such that new features are added and/or removed to test version changes to the source code under test (e.g., Col. 3, Lines 17-31 - ... Source code for each of the plurality of test cases includes a plurality of embedded reporter code ...; Col. 8, Lines 1-16 – ... the embedded reporter codes are defined after a method call or any point in the application ...; Lines 52-67 - ... defines a plurality of embedded reporter codes in the source code of the test suite ... the embedded reporter codes are application program interfaces (APIs) ...; NOTE: there is a binding between test cases and their associated source code);

Art Unit: 2192

- saving test results to an XML file (e.g., Fig. 1, element 118 – Dynamic XML Results File; Col. 8, Lines 17-26 - ... The uniform results in the dynamic XML 118 can be view by a user ...); and
- employing XSLT to facilitate management operations including at least one of query, reporting, suite composition and scheduling (e.g., Fig. 1, elements 110 – Static XML File; 118 – Dynamic XML Results File; 120 – XSLT Interface; Col. 8, Lines 17-25 - ... the uniform results are generated ... stored to a dynamic XML file ... The uniform results in the dynamic XML can be viewed by a user using a, Extensible Stylesheet Language (XSLT) Stylesheet interface; Lines 33-51 - ... while developing the source code for the test suite, the test suite developer also create a companion static XML file ... The static XML file is written in accordance with a selected document type definition (“DTD”) and is configured to provide an XML DTD for defining the static XML file ...)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Mandava-2 into the Blackwell’s system to further provide other limitations stated above in the Blackwell system.

The motivation is that it would further enhance the Blackwell’s system by taking, advancing and/or incorporating Mandava-2 system which offers significant advantages that provide consistent and uniform test results; and the generated results are substantially accurate as once suggested by Mandava-2 (e.g., Col. 20, Lines 40-60)

Art Unit: 2192

20. **As to claim 25** (original) (incorporating the rejection in claim 23), Mandava-2 discloses the method further comprising publishing the test results to an enterprise data store (e.g., Fig. 1, element 116; Col. 8, Lines 17-26 - ... the uniform results are stored to storage 116 in a dynamic XML result file ...)

21. **As to claim 26** (original) (incorporating the rejection in claim 23), Blackwell discloses the method wherein the version tags indicate the version of the source under test and the version of the test (e.g., [0017] - ... allows the complex interrelationships between software modules and test cases to be identified automatically ...; [0020] - ... automatically producing reports to show what test cases need further testing, identifying what test cases from previous work were affected by a modification to the system ...)

22. **As to claim 27** (original) (incorporating the rejection in claim 23), please refer to claim **23** above, accordingly.

### ***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

Art Unit: 2192

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben C Wang/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192